

The meeting of the Lake Wales City Commission was held on August 19, 2014 in the Commission Chambers at the Municipal Administration Building. The meeting was called to order by Mayor Fultz at 6:00 p.m. following the invocation and the Pledge of Allegiance.

#### **INVOCATION**

The invocation was given by Dr. Jim Moyer.

#### **PLEDGE OF ALLEGIANCE**

**COMMISSIONERS PRESENT:** Terrye Howell; Betty Wojcik; Jonathan Thornhill; Christopher Lutton, Eugene Fultz, Mayor

**COMMISSIONERS ABSENT:**

**CITY REPRESENTATIVES PRESENT:** Kenneth Fields, City Manager; Clara VanBlargan, City Clerk; Jennifer Nanek, Deputy City Clerk; Albert C. Galloway, Jr., City Attorney

[Full staff memos are incorporated into the minutes. Meetings are recorded, but not transcribed verbatim.]

#### **MAYOR**

Mayor Fultz recognized Jose Perez for receiving the Senior Systems Award of Excellence in the field of water distribution for his dedication and service to the water profession and dedication to the protection of Florida waters.

Mayor Fultz recognized City Manager's Administrative Assistant Katie Kinloch for receiving an award from the Operators Association for her 44 years of dedication and volunteer service to the state organization, the water and wastewater profession, and to the Region of Polk, Hardee, & Highlands counties.

Agenda Item 6 was presented before Agenda Item 5.

#### **PRESENTATION**

**Agenda Item 6. My Ride/My Roads Referendum Update - Tom Phillips, Executive Director of Lakeland Area Mass Transit District d/b/a The Citrus Connection and Polk Transit; Keith Merritt, City of Lakeland City Commissioner; George Lindsey, Polk County Commissioner District 1**

City of Lakeland City Commissioner Keith Merritt provided an overview of the proposed 1% sales surtax for My Ride/My Road public roadways, and bus systems that will be on the November 4, 2014 election ballot. The initiative is to provide for comprehensive transportation and bus networks, including express bus to airports, area attractions, and veteran's hospitals, transportation for night shift workers, maintenance and improvements to the County's roadways, and construction of new roadways, by levying a one percent sales surtax from January 1, 2015 until December 31, 2027 to be deposited into trust fund and half shared with Polk Transit Authority.

Commission Merritt said the proposed funding model will cover My Ride operational and capital expenses, which involves moving costs from business and homeowner property taxes to an increased county-wide sales surtax of 1 cent per dollar. He said that Brookings Institute cited Polk County as #7 out of the top 100 areas for poverty, partly due to lack of a good transit system. The top three services My Ride delivers are airport express service, taxi access, and public transportation for all. My Ride introduces express transit service to both the Orlando and Tampa airports, "after-hours" transportation service, and for the first time all of Polk County's 17 municipalities and Poinciana will have public transit access. More buses mean a stronger economy.

## **ANNUAL REPORT**

### **Agenda Item 5. Historic District Regulatory Board – Chair Lawrence (Larry) Bossarte**

Larry Bossarte, Chair of the Historic District Regulatory Board, presented an annual board report to the City Commission and responded to questions and comments. He said there has not been any issues since the new sign regulations were adopted other than paint color of buildings.

Deputy Mayor Lutton said researching the original color of buildings could be a little harsh at times. Commissioner Wojcik said the Board could consider using a paint color chart. Mr. Bossarte said that is a possibility that can be discussed.

Mimi Reid Hardman, President of the Historic Lake Wales Society, commented on the paint color and Lisa Pederson, Lake Wales Main Street, said they have color swatches that can be used to choose the paint color.

## **COMMUNICATIONS AND PETITIONS**

Becky Wynkoop, #109 La Casa, asked to have the political sign ordinance looked at and commented on the political signs that are placed on the Library public property during early voting. She said the County and the political sign regulations for Lake Wales are different, and suggested coming into agreement.

The Mayor said the City Manager could look into that issue.

Edward Esteve, 3655 N Scenic HWY in Lake of the Hills, said he had issues with #22 on the agenda (Family Dollar Store). He expressed his opposition to the development as it would negatively affect the Scenic HWY in that area. He encouraged the City to consider what this might look like.

Linda Truitt, 222 S. Lake Shore Blvd., asked about the possibility of the Historic Lake Wales Society selling the train cars. Mr. Fields answered that he recommends against that as it is not good policy to sell assets for operating costs. Ms. Truitt emphasized the need to keep the museum open.

Mimi Reid Hardman, 300 S. Lake Shore Blvd., asked for financial assistance for the Historic Lake Wales Society to keep the doors open. Mr. Fields said that this issue can be discussed at the budget hearing on September 3. Ms. Hardman asked for help from the City.

Greg Esteve, 3655 N. Scenic HWY, Lake of the Hills expressed his opposition to the proposed Family Dollar store. He said it would be an eyesore and does not fit in with the residential area on Chalet Suzanne Road.

Mr. Fields clarified that the property is in the county, not the City, and they are exploring options with the county for another location.

Jack Neal, 435 E. Central Ave., expressed his support for Mimi and allowing her to have the train cars.

## **CONSENT AGENDA**

**Agenda Item 7. APPROVAL OF MINUTES: August 5, 2014, Regular Meeting**

**Agenda Item 8. FY'2014-2015 Fire Protection Agreement**

[Begin Agenda Memo]

## **SYNOPSIS**

The Fire Protection Agreement allows the Lake Wales Fire Department to provide fire protection services to areas of Polk County outside of the Lake Wales City limits that are distant from available county fire protection for \$257,577.

## **RECOMMENDATION**

The recommendation is for the City Commission to take the following action:

1. Approve the Fire Protection Agreement between Polk County and the City of Lake Wales to allow the Lake Wales Fire Department to provide fire protection services to areas of Polk County outside the Lake Wales City limits from October 1, 2014 through September 30, 2015 for \$257,577.
2. Authorize the City Manager to execute the Agreement on behalf of the City.

## **BACKGROUND**

The Lake Wales Fire Department has been providing fire protection to property owners in areas outside of the City since 1976. The agreement is similar to the approved agreements of previous years, and the term is from October 1, 2014 through September 30, 2015. As part of the agreement, the City receives 50% of the fire assessment fees collected for all residential and commercial property within the contract area.

## **OTHER OPTIONS**

Do not approve the agreement requiring Polk County to seek other options for protection.

## **FISCAL IMPACT**

Approval of the agreement allows for a revenue amount of \$257,577 to the general fund.

[End Agenda Memo]

## **Agenda Item 9. Accept Conveyance of Surplus Residential Property from the Polk County BoCC**

[Begin Agenda Memo]

## **SYNOPSIS**

Staff is seeking approval to accept the conveyance of residential real property located at 518 Greenview Terrace, Parcel ID# 272935880010000251

## **RECOMMENDATION**

It is recommended that the City Commission take the following actions:

1. Accept conveyance of the real property located at 518 Greenview Terrace - Parcel ID# 272935880010000251
2. Classify the property as surplus

## **BACKGROUND**

The Polk County Board of County Commissioners owns the subject real property that includes an uninhabited residential structure and is located within the city limits of Lake Wales. The Polk County BoCC has declared the property as surplus and has previously attempted to auction off the property, but received

no bids. The structure is in need of some repair which, along with the minimum bid price of \$40,000, may have contributed to the lack of bids on the property. The City has since been approached by an investor who has indicated interest in rehabilitating the structure and selling off the property. City staff is requesting the City Commission acceptance of the conveyance of this property with the intent to sell it as surplus.

The assessed value of the property is \$27,396.

#### **OTHER OPTIONS**

Do not accept the conveyance of the property - Parcel ID# 272935880010000251

#### **FISCAL IMPACT**

The cost to the City is \$1.00.

[End Agenda Memo]

#### **Agenda Item 10. Lake Wales Art's Council Special Event: "Make It Magical"**

[Begin Agenda Memo]

#### **SYNOPSIS**

The approval of the special event permit application will allow the Lake Wales Art's Council to hold a holiday event "Make It Magical" on December 5, 2014 between the hours of 5:00 p.m. and 8:00 p.m. and allow for the temporary closing of the Marketplace, a portion of Stuart Avenue and several city parking lots in the downtown area.

#### **RECOMMENDATION**

The recommendation is for the City Commission to take the following action:

1. Approve the special event permit application from the Lake Wales Art's Council to hold a holiday event "Make It Magical" on December 5, 2014 between 5:00 p.m. and 8:00 p.m. with set up beginning at 4:00 p.m.
2. Approve the temporary closing of the following:
  - Close a portion of Stuart Avenue from South Market Street to Scenic Highway (SR17) for carriage rides
  - Close the Marketplace, the Marketplace parking lot, and both city lots on the east end of Stuart Avenue at Scenic Highway (SR17)
  - Close the alley between Stuart Avenue and Park Avenue from SR17 to First Street
  - Close off several parking spaces on the west side of South Market Street at Stuart Avenue for food vendors

#### **BACKGROUND**

Jean Donaldson, Executive Administrator of the Lake Wales Art's Council, submitted a special event permit application to hold their third annual holiday event "Make It Magical" on December 5, 2014 between 5:00 p.m. and 8:00 p.m. in the downtown area. Set up time for the event will begin at 4:00 p.m. with clean up

and take down after 8:00 p.m. This event will provide a holiday destination for the entire family and will feature musicians and vocalists, numerous craft and food vendors in the Marketplace and a horse and carriage ride along Stuart Avenue. Local downtown restaurants will remain open providing a variety of food and refreshments and local shops will stay open as well giving the public an opportunity to shop while attending a special holiday event.

The Lake Wales Art's Council is requesting the temporary closing of a portion of Stuart Avenue from South Market Street to Scenic Highway (SR17), the temporary closing of several parking spaces on the west side of South Market Street at Stuart Avenue, the temporary closing of the Marketplace and the Marketplace parking lot, the temporary closing of the alley between Stuart Avenue and Park Avenue, and the temporary closing of the two city lots on the east end of Stuart Avenue at Scenic Highway (SR17).

The City's special event review staff has reviewed the application and has no issues with the event. The Streets Department will close the streets, parking lots, provide additional trash containers, and at the conclusion of the event, they will empty the trash containers and transport them back to the storage location. The Art Council may request the assistance of the Lake Wales Police Department with off-duty officers for security reasons only. Any trash clean up during the event will be the responsibility of the Art Council. Insurance has been provided as required. The Art Council will be responsible for sanitary facilities and a dumpster.

#### **OTHER OPTION**

Do not approve this special event permit application or the request for the temporary closing of a portion of Stuart Avenue, the Marketplace or three city parking lots.

#### **FISCAL IMPACT**

The total cost for in-kind services from the City is in the proposed budget for FY14/15 in the amount of \$237.00 of which the Art Council would be responsible for 25%.

[End Agenda Memo]

#### **Agenda Item 11. Noon Rotary Club of Lake Wales Event: "Orange Blossom BBQ"**

[Begin Agenda Memo]

#### **SYNOPSIS:**

Approval of this request will allow the Noon Rotary Club to hold the "Orange Blossom BBQ" in Lake Wales Park on Friday, December 5 and Saturday, December 6, 2014; allow a designated area for beer sales and allow the set up to begin on Thursday, December 4, 2014.

#### **RECOMMENDATION**

The recommendation is for the City Commission to take the following action:

1. Approve the Special Event Permit Application to allow the Lake Wales Noon Rotary Club to hold an "Orange Blossom BBQ" in Lake Wales Park on December 5 & 6, 2014 with set up beginning on Thursday, December 4, 2014.
2. Approve the hours as follows:
  - Thursday, December 4, 2014 – Set up beginning at noon

- Friday, December 5, 2014 - Continue the set up at 8:00 a.m. with evening activities to begin at 8:00 p.m. and end at 10:00 p.m.
  - Saturday, December 6, 2014 –activities begin at 8:00 a.m. and end at 6:00 p.m.
  - Sunday, December 7, 2014 – Clean up and removal of tents and booths
3. Approve the request to allow the Lake Wales Rotary Club to have beer sales and beer consumption in an enclosed designed area in the Park on both Friday evening and Saturday.
  4. Approve the request to allow RV's and campers to set up in the areas approved and designated by City staff that Thursday afternoon and Friday morning.

## **BACKGROUND**

Ms. Danielle Fields, President of the Lake Wales Noon Rotary Club submitted a Special Event Permit Application to hold an "Orange Blossom BBQ" on December 5 & 6, 2014 in Lake Wales Park. The schedule is for the event to begin on Friday evening, December 5 at 8:00 p.m. and to conclude at 10:00 p.m. On Saturday, December 6, the day's activities will begin at 8:00 a.m. and end at 6:00 p.m. This event will feature the Florida BBQ Association's sanctioned barbeque competition, the Florida Tastemakers Marketplace with a gathering of artists and vendors from across the state, kid's tents, and live music with special guest John Carter Cash. There will also be a designated fenced area for beer sales.

The permit will allow the Lake Wales Rotary Club, event artists, and vendors to start setting up on Thursday, December 4, 2014 at noon and continue the set up on Friday morning beginning at 8:00 a.m. and throughout the day. In addition, some of the participants will bring in their RV's and pop-up campers on Thursday afternoon and on Friday in the designated area in Lake Wales Park.

A meeting was held between Rotary Club event organizer Reid Hardman, City staff, and the City Manager on August 5 to discuss the event in detail, and to clarify and resolve questions and concerns. Staff with the following stipulations has approved the event:

- The RV's and/or campers will be parked in the designated area only.
- The designated parking area for the public must be clearly identified on site.
- No additional water spigots or electrical outlets will be installed. Vendors must use what is available in Lake Wales Park or provide generators.
- No vehicles shall be parked within 15 feet of the trunk of any trees within the park. No vehicles shall drive or park on the bike path or cross the bike path
- The Rotary Club is responsible for ensuring that the vendors and artists bringing in RV's and campers adhere to the conditions for parking.
- Sanitary facilities and dumpsters are the responsibility of the sponsor. A separate dumpster will be required for disposal of ash by the vendors.
- Tent permits are required in advance by the sponsor and can be obtained from the City's Planning & Development Department so that the Fire Marshall can complete inspections during set up times.
- The alcohol permit application must be completed by the sponsor and submitted to the Planning & Development Department for review and approval before submitting to the Department of Alcohol Beverage & Tobacco. Once the final permit is obtained, a copy must be provided to the City no later than December 1, 2014.
- A certificate of liability insurance and an alcohol insurance rider are required and must be submitted to the City no later than December 1, 2014.
- The City's Field Operations Divisions will provide in-kind Services for clean up services on Saturday and all costs associated with these services will be paid by the sponsor at a cost not to exceed a \$2,800 cap. The sponsor for security purposes will hire off duty police officers from the Lake Wales Police Department.

## **OTHER OPTIONS**

Do not approve the event.

## **FISCAL IMPACT**

As this BBQ event is the first one it is not part of the proposed FY14/15 special events budget. In-kind services provided by the City will be paid by the sponsor at a cost not to exceed a \$2,800 cap. Off duty officers from the Lake Wales Police Department will be hired for security and will be paid by the sponsor.

[End Agenda Memo]

## **Agenda Item 12. Lake Wales Breakfast Rotary Club Event: "Big Kahuna Paddle Challenge"**

[Begin Agenda Memo]

## **SYNOPSIS**

Approval of this request will allow the Breakfast Rotary Club to hold their "Big Kahuna Paddle Challenge" on October 25, 2014 on Lake Wailes and allow for staging of the event on the east side of the boat ramp.

## **RECOMMENDATION**

It is recommended that the City Commission consider taking the following action:

- Approve the special event permit application from the Breakfast Rotary Club of Lake Wales to hold their "Big Kahuna Paddle Challenge" on October 25, 2014 on Lake Wailes between the hours of 7:00 a.m. and 1:00 p.m.
- Approve the set up and staging of the event on October 25, 2014 between the hours of 7:00 a.m. and 8:15 a.m. on the east side of the boat ramp
- Allow the Breakfast Rotary Club to set up the refreshment area and the sanitary facilities on the west side of the boat ramp beginning at 7:00 a.m.

## **BACKGROUND**

Ms. Cheryl Bossarte, President of the Breakfast Rotary Club of Lake Wales, submitted an application for a Special Event Permit to hold their "Big Kahuna Paddle Challenge" on October 25, 2014 on Lake Wailes Lake. This application includes two additional requests as follows:

1. Set up the tents, tables, and chairs and set up the staging area for the canoes between the hours of 7:00 a.m. and 8:15 on the east side of the boat ram. The canoes will be launched from the sandy beach area on the east side of the boat ramp.
2. Set up the refreshment area and sanitary facilities on the west side of the boat ramp between the hours of 7:00 a.m. and 8:15 a.m.

Registration and check-in is scheduled between 8:15 a.m. and 8:45 a.m. with the race starting at 9:00 a.m. and concluding around 11:45 a.m. Refreshments will be available for the paddlers beginning at 10:30 a.m. with the award ceremonies beginning around 11:45 a.m. This event is to be held during the 2014 Pioneer Days event.

The purpose of this event is for team-building and enhancing team and community spirit among the paddlers, their sponsors and the spectators. The funds raised from the sponsors are used to support the

Lake Wales Breakfast Rotary Club's Boys' camp and Girls' camp. Several teams of ten to fourteen paddlers will use two large canoes to paddle out and back on a 400-yard round trip course on Lake Wailes. The race will have three divisions: Corporate/Adult; Collegiate; and Youth. Within each division, the teams race against the clock. The three fastest teams will have race-offs to determine the "Big Kahuna" winner.

The Breakfast Rotary Club will be responsible for site preparation, staging of canoes, sanitary facilities, parking, security, and site cleanup. As required, liability insurance has been provided and tent permits will be obtained from the Planning Department. City departments have reviewed the application and found no conflicts to prevent approval of this event. An on-site walk through will be required with City staff in advance of the event to address any concerns with parking and staging areas. There will be no in-kind services provided by the City.

#### **OPTIONS**

Do not approve this event.

#### **FISCAL IMPACT**

No in-kind services to be provided by the City. If security is required, the Breakfast Rotary will make the request to the Lake Wales Police Department for off duty officers.

[End Agenda Memo]

#### **Agenda Item 13.        Annual Kiwanis Club Christmas Parade Event & Temporary Road Closing**

[Begin Agenda Memo]

#### **SYNOPSIS:**

Approval of the special event permit application will allow the Lake Wales Kiwanis Club to present the annual Christmas Parade on December 13, 2014 and allow for the temporary closing of several streets.

#### **RECOMMENDATION**

The recommendation is for the City Commission to take the following action:

1. Approve the special event permit application from the Lake Wales Kiwanis Club for the annual Christmas parade to be held Saturday evening, December 13, 2014 from 6:00 p.m. to 8:00 p.m.
2. Approve the parade route which will begin at Lake Wailes Park, travel up Central Avenue to Dr. Martin Luther King Jr. Blvd. where it will end
3. Approve the temporary closing of North 5<sup>th</sup> Street, Orange Avenue, the Horse shoe Drive in Lake Wailes s Park, Lakeshore Blvd. from Orange Avenue to Central Avenue, and from Central Avenue at Lakeshore Blvd. to Dr. Martin Luther King Jr. Blvd.

#### **BACKGROUND**

Larry Tonjes, President of the Lake Wales Kiwanis Club submitted a special event permit application for the Annual Christmas Parade to be held Saturday, December 13, 2014 from 6:00 p.n. to 8:00 p.m. Line up for the parade will begin at 4:00 pm. on North Fifth Street and on Orange Avenue and along the Horseshoe Drive of Lake Wailes Park.

The application also includes a request for the temporary closing of several streets as follows: 5<sup>th</sup> Street, Orange Avenue and the Horse shoe Drive in Lake Wales Park for the parade line up, Lakeshore Boulevard south to Central Avenue, west on Central Avenue crossing SR17 (Scenic Highway to Dr. Martin Luther King Jr. Boulevard where the parade will end.

The crossing of Scenic Highway requires a permit from the Florida Department of Transportation and this request will be submitted to the Bartow office after commission has approved the event. Staff reviewed the application and there are no issues with the event or road closings. Lake Wales Police Department and VOICE will be handling pedestrian and vehicular traffic control. The Streets Department will coordinate the street closings and trash clean up. The Kiwanis Club will be responsible for the parade line up and staging and any sanitary facilities that might be necessary. Insurance is being provided by the sponsor as required.

#### **OTHER OPTIONS**

Not to approve this event and road closings.

#### **FISCAL IMPACT**

The total cost of in-kind services in the proposed budget for FY14/15 is \$1,828.00 with the Kiwanis Club being responsible for 25% of the total cost or \$457.00.

[End Agenda Memo]

#### **Agenda Item 14.            Edward Byrne Memorial State and Local Law Enforcement Assistance Grant**

[Begin Agenda Memo]

#### **SYNOPSIS**

Approval of this item will allow the police department to submit for and receive grant funding then purchase audio/video equipment for the police department in FY14/15.

#### **RECOMMENDATION**

Staff recommends that the Honorable Mayor and the City Commission authorize the Police Department to apply for and accept funding through the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant and purchase audio/video equipment.

#### **BACKGROUND**

Since 1999, the Police Department has received funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program. Since that time, the department has utilized this funding to create numerous community programs as well as purchase needed equipment to enhance public safety. This year the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant award amount is \$10,007.00 and if approved would be included in the 2014/2015 budget.

The Police Department proposes to use the JAG-C funds toward the purchase of an interactive whiteboard, document camera and three laptop computers. This equipment will be used to enhance the effectiveness of daily briefings, weekly crime suppression meetings, department training, and emergency management activities.

Matching funds are not required for this project; however any additional expenses can be covered with Police Forfeiture funds if necessary.

The costs of this equipment are as follows:

Interactive Whiteboard -	\$7,552.00
Three Laptop Computers -	\$1,782.00
Document Camera -	\$673.00

### **OTHER OPTIONS**

The Commission may choose not to authorize application for and accept the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant or purchase this equipment.

### **FISCAL IMPACT**

The Finance Department has reviewed this application.

[End Agenda Memo]

Commissioner Thornhill made a motion to approve the Consent Agenda. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

#### **Agenda Item 22. Discussion: Family Dollar Store, Chalet Suzanne Road**

Kenneth Fields, City Manager, reviewed this item. He said that the City Commission authorized him to see what options the City had in opposing this project. He said the county is looking at this and the project is going through the approval process. He has spoke to the developers who are moving forward with the current parcel. They originally preferred the corner of Scenic Hwy and Chalet Suzanne Rd but the County didn't allow it. The current plan makes no one happy. Albert Galloway Jr., City Attorney, reported that we are allowed to get involved in the process. Commissioner Howell asked if a vote is needed. Mr. Fields said they can vote on giving him authority to move forward to do what is necessary to stop this. They will start with discussions and go to court if necessary.

### **OPENED FOR PUBLIC COMMENT**

Edward Esteve, 3655 N Scenic Hwy, asked what the precise proposed location is. Mr. Fields answered that it was right next to Carlsberg, in front of the Chalet Suzanne. He expressed opposition to locating the store on the corner. Mr. Fields explained that the proposed property is adjacent to the City but the corner parcel is not.

Russ Spindler, 261 Lourdes Street, said that several residents from Carlsberg Estates are present and they oppose the location of the Family Dollar Store.

## **CLOSED FOR PUBLIC COMMENT**

Commissioner Wojcik made a motion to authorize the City Manager and City Attorney to move forward in opposition to this project but to come back to the commission if it might go to court. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Wojcik	"YES"
Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

Commissioner Lutton encouraged those in opposition to the project to also express their concerns to the Polk County Commission. Mayor Fultz agreed.

### **Agenda Item 15. Lease Agreement with the Dr. Joseph A. Wiltshire Foundation Inc. at the James P. Austin, Jr. Community Center**

[Begin Agenda Memo]

## **SYNOPSIS**

Approval of the Lease Agreement with the Dr. Joseph A. Wiltshire Foundation Inc. will allow the Foundation to use the James P. Austin, Jr. Community Center the first Friday of every month (once per month) beginning September 5, 2014 and ending on September 4, 2015.

## **RECOMMENDATION**

It is recommended that the City Commission consider taking the following action:

1. Approve the lease agreement with the Dr. Joseph A. Wiltshire Foundation Inc. to hold a monthly program the first Friday of each month (once per month) beginning September 5, 2014 and ending on September 4, 2015.
2. Authorize the City Manager to execute the agreement.

## **BACKGROUND**

The City has entered into several partnerships with local organizations to provide educational and recreational programs for the community. The Dr. Joseph A. Wiltshire Foundation Inc. is requesting the approval of the City Commission to hold a monthly educational and recreational program at the James P. Austin Community Center for the seniors in the community. The requested dates are the first Friday of each month (once per month) beginning on September 5, 2014 and ending on September 4, 2015. The requested hours of use would be from 4:30 p.m. to 10:00 p.m.

The Dr. Joseph A. Wiltshire Foundation Inc. is also requesting that no user fee is charged and no charges for city staff. Ms. Linda Kimbrough is a Dr. Joseph A. Wiltshire Foundation Board member has access to the building under an agreement with the City and the Lake Wales Police Athletic League, Inc. Any request for hours other than those identified in the agreement hours must be made to and approved by the City Manager.

## **FISCAL IMPACT**

No in-kind services provided by the City.

## **OTHER OPTIONS**

Deny approval of the lease agreement.

[End Agenda Memo]

Katie Kinloch, Administrative Assistant to the City Manager, reviewed this item.

Commissioner Thornhill made a motion to approve the lease agreement with the Dr. Joseph A. Wiltshire Foundation Inc. to hold a monthly program the first Friday of each month (once per month) beginning September 5, 2014 and ending on September 4, 2015; and to authorize the City Manager to execute the lease agreement. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Thornhill "YES"  
Commissioner Howell "YES"  
Commissioner Lutton "YES"  
Commissioner Wojcik "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

## **Agenda Item 16. Approval of the Polk County Library Cooperative Bookmobile Interlocal Agreement**

[Begin Agenda Memo]

## **SYNOPSIS**

Approval of the Polk County Library Cooperative Bookmobile Interlocal Agreement assigns responsibility of the operation of this outreach service to the Lake Wales Public Library, and includes all compensation required to the City of Lake Wales for this program.

## **STAFF RECOMMENDATION**

The recommendation is for the City Commission to take the following action:

1. Approve the Polk County Library Cooperative Bookmobile Interlocal Agreement
2. Authorize the Mayor to execute the Agreement on the City's behalf

## **BACKGROUND**

The Polk County Library Cooperative (PCLC) is a group of seventeen public and special libraries and government entities that joined together in 1997 to provide library services to all persons residing in Polk County, including residents of the unincorporated areas and incorporated communities not served by a local municipal public library.

Recognizing that there are no public libraries in unincorporated Polk County, PCLC is committed to outreach services for this population. The two outreach services PCLC currently provides are Books by Mail and a Bookmobile.

In 1999 the City of Lakeland entered into an Interlocal Agreement to operate the Bookmobile under the direction of the Polk County Library Cooperative. This Interlocal Agreement ends on September 30, 2014. The City of Lakeland will not renew their Interlocal Agreement with PCLC to provide Bookmobile service.

During 2013 a PCLC appointed committee studied alternatives for continuing this important service to underserved residents after Lakeland's contract ends. One such alternative was for PCLC to provide 100% funding to another municipality to operate the Bookmobile.

Lake Wales is already under contract to operate the Books by Mail outreach service for PCLC. An organizational plan for outreach services has been developed by the Lake Wales Public Library and currently operates effectively.

In an effort to continue this outreach service to all residents, the Polk County Library Cooperative Governing Board requested the Lake Wales Public Library manage this expanded program for all member libraries.

If approved by the Lake Wales City Commission, a revision of the current service model will be developed, with the goal to have the PCLC Bookmobile operating again by June 2015.

One primary change will be the Lake Wales Public Library will develop, select, purchase and own the Bookmobile's materials collection. All resulting circulations will be credited to the Lake Wales Public Library's annual total and will result in higher revenues for the Lake Wales Public Library from PCLC's annual funding mechanism.

This draft Interlocal agreement will be considered at the Polk County Library Cooperative's September Governing Board meeting. Pending their approval a fully executed document will be in place.

Staff recommends approval.

#### **OPTIONS**

None

#### **FISCAL IMPACT**

None

[End Agenda Memo]

Tina Peak, Library Director, reviewed this item. Discussion was held concerning routes and plans for the bookmobile.

Commissioner Howell made a motion to

Commissioner Wojcik seconded the motion.

By Voice Vote:

Commissioner Howell "YES"  
Commissioner Wojcik "YES"  
Commissioner Thornhill "YES"  
Commissioner Lutton "YES"

Mayor Fultz

“YES”

The motion carried 5-0.

**Agenda Item 17. Purple Heart Chapter of Lake Wales Request for Addition to Veterans Memorial Honoring Purple Heart Recipients**

[Begin Agenda Memo]

**SYNOPSIS**

The Purple Heart Chapter of Lake Wales submitted a request to allow the construction of a Purple Heart Memorial and Park in front of City Hall adjacent to the existing Veterans Memorial.

**RECOMMENDATION**

The City Commission may consider this item after it is reviewed by the Parks and Community Appearance Advisory Board and after further analysis as to its potential costs by City staff.

**BACKGROUND**

The Purple Heart Chapter of Lake Wales through American Legion Memorial Post 71 and VFW Post 2420 requested permission to construct a Purple Heart Monument and Park in front of City Hall in the area adjacent to the existing Veterans Memorial. The costs of construction will be raised entirely through private donations. The proposed park will include three benches, pavers (which would include the names of donors), and a Monument to those who have received a Purple Heart medal. If approved, the organizations will seek to have the Park completed and dedicated on Purple Heart Day I August 2015.

The Purple Heart Chapter further requests that the City dedicates this land in perpetuity for the proposed park and assume all responsibility for maintenance of the Memorial into the future

**OTHER OPTIONS**

The proposed Park and Monument could be placed at an allowable non-city location with maintenance not the responsibility of the City.

**FISCAL IMPACT**

If approved, there will be no significant cost to the City for the installation of the Park and Monument. However, future maintenance costs, including installation and maintenance of the proposed pavers in the future have not been calculated at this time.

[End Agenda Memo]

Gary Gose, Post Commander with the VFW, explained that this project is in conjunction with American Legion Post #71 and described the project. They hope to be complete in August 2015. This will be funded through Purple Heart Foundation and through private fundraisers.

Commission discussed the project and its location. Some concerns about crowding on the front area were discussed. Kenneth Fields, City Manager, suggested approval of the project upon approval of a final design.

**OPENED FOR PUBLIC COMMENT**

Jack VanSickle, 4060 Ashton Club Dr., reviewed the process of the current Veterans monument and volunteered to help with the monument. He said that the Commission should approve the design.

#### **CLOSED FOR PUBLIC COMMENT**

Commissioner Thornhill made a motion to provisionally approve the project, with the final design subject to final approval by the City Commission. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

#### **Agenda Item 18.           ORDINANCE 2014-09, Amendment to Chapter 6, Animals: Urban Chicken Pilot Program – 1<sup>st</sup> Reading**

[Begin Agenda Memo]

#### **SYNOPSIS**

In May 2014, City Commission authorized a pilot program for urban chicken ownership in the city. Ordinance 2014-09 allows the program to be an exception under Chapter 6 Animals of the Lake Wales Code of Ordinances.

#### **RECOMMENDATION**

Staff recommends approval of Ordinance 2014-09 after first reading. A public hearing is not required.

#### **BACKGROUND**

The Lake Wales Chicken Council requested that Commission consider a pilot program for urban chicken ownership in the City of Lake Wales.

Ordinance 2014-09 provides for the pilot program to be an exception from *Sec. 6-4 – Fowl and livestock, prohibited; exceptions, penalties* of the Lake Wales Code of Ordinances.

Staff will present a resolution for enact the program at the September 3, 2014 to coincide with the second reading and public hearing for the ordinance.

Staff has included for informational purposes the pilot program description and the application form.

#### **FISCAL IMPACT**

Impact should be minimal.

#### **OTHER OPTIONS**

Commission could decide not to approve the ordinance and or the program.

[End Agenda Memo]

City Clerk Clara VanBlargan read **ORDINANCE 2014-09** by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES, CHAPTER 6 ANIMALS TO ALLOW FOR AN EXCEPTION FOR A PILOT PROGRAM FOR URBAN CHICKENS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangle, Assistant Director of Planning and Development, reviewed the ordinance and pilot program. The details of the program were discussed.

**OPENED FOR PUBLIC COMMENT**

Gail Kauffman, 30 Johnson Ave., explained that the Chicken Council will check on the applicants to make sure they comply, review any complaints and oversee the program.

**CLOSED FOR PUBLIC COMMENT**

Commissioner Thornhill made a motion to approve **ORDINANCE 2014-09** on first reading. Commissioner Howell seconded the motion.

By Roll Call Vote:

Commissioner Thornhill	"YES"
Commissioner Howell	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

**Agenda Item 19.           ORDINANCE 2014-08, Amendments to Zoning, Land Use and Development Regulations – 1<sup>st</sup> Reading**

[Begin Agenda Memo]

**SYNOPSIS**

This ordinance addresses housekeeping issues related to site development permitting, comprehensive plan future land use map amendments, public notice requirements, and landscaping requirements.

**RECOMMENDATION**

Staff recommends the approval of Ordinance 2014-08 on first reading. A public hearing is not required.

**BACKGROUND**

The amendments are housekeeping in nature. The intent is to clarify some requirements, remove redundancy, and respond to changes in State Statute.

The City amended its policy on when permitting fees were due during the site development process in 2010, the wording in section 23-217.4 was overlooked at the time those amendments were made.

Amendments to the comprehensive plan portion of the code are based on changes in Florida Statute that were passed in 2012. Staff has been abiding by the statutory changes since they went into effect.

Amendment to the public notice section is also in response to changes in State Statute.

The Landscaping requirement amendment deals with undesirable tree species, buffering for drives and travelways internal to a shopping center, and meeting tree density requirements through preservation.

#### **FISCAL IMPACT**

The amendments have no identifiable fiscal impact themselves.

#### **OTHER OPTIONS**

None

[End Agenda Memo]

City Clerk Clara VanBlargan read **ORDINANCE 2014-08** by title only.

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 23, ZONING, LAND USE AND DEVELOPMENT REGULATIONS AS IT PERTAINS TO SITE DEVELOPMENT REVIEW AND PERMITTING; COMPREHENSIVE PLAN AMENDMENT CYCLES; PUBLIC NOTICE; AND LANDSCAPING REQUIREMENTS PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Kathy Bangley, Assistant Director of Planning and Development, reviewed the ordinance.

#### **OPENED FOR PUBLIC COMMENT**

No comments from the public.

#### **CLOSED FOR PUBLIC COMMENT**

Commissioner Howell made a motion to approve **ORDINANCE 2014-08** on first reading. Commissioner Thornhill seconded the motion.

By Roll Call Vote:

Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Commissioner Wojcik	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

#### **Agenda Item 20. Auditing Engagement Letter**

[Begin Agenda Memo]

#### **SYNOPSIS**

The approval allows Cherry Bekaert CPAs & Advisors to perform professional auditing services for Fiscal Year Ending September 30, 2014, with the option to renew for two additional years.

#### **RECOMMENDATION**

Staff recommends that the City Commission take the following action:

1. Approve Cherry Bekaert CPAs & Advisors to perform professional auditing services for Fiscal Year Ending September 30, 2014, with the option to renew for two additional years; and
2. Authorize the City Manager to execute the Auditing Engagement Letter between the City of Lake Wales and Cherry Bekaert CPAs & Advisors, after approval by the City Attorney.

## **BACKGROUND**

At its meeting on August 7, 2014, the Audit Selection Committee selected Cherry Bekaert CPAs & Advisors to perform the professional auditing services for the City and recommended approval by the City Commission. The primary purpose of the Committee was to assist the City in selecting an auditor to conduct the annual financial audit. The duties of the Audit Selection Committee were as follows:

1. Evaluate proposals provided by qualified firms;
2. Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established within the RFP.

The audit selection committee members who evaluated the firms were:

Joseph Jenkins, Board Member of the Fire Pension Plan and Fire Chief  
Chris Mimbs, Accounting Manager  
Linda Kimbrough, General Employee Pension Plan Trustee  
Katherine Rogers, Airport Authority Board member

The audit selection committee top three firms, in order of preference, were:

Cherry Bekaert CPAs & Advisors  
Purvis Gray & Company LLP  
Clifton Larson Allen

Evaluation factors included the firm's experience/performance on comparable government engagements, Quality of firm's professional personnel to be assigned to engagement, price quote for service, adequacy of audit approach, approach to the management letter, and familiarity with Certificate of Achievement in Financial Reporting.

## **FISCAL IMPACT**

The all-inclusive maximum price for audits fee for the City audit report and interim work will not exceed \$67,700 for FY 2013'14 audit. The next two years have all-inclusive maximum annual price \$67,700.

[End Agenda Memo]

Dorothy Ecklund, Finance Director, reviewed the item. The Commission then discussed the item.

## **OPENED FOR PUBLIC COMMENT**

No comments from the public.

## **CLOSED FOR PUBLIC COMMENT**

Commissioner Wojcik made a motion to approve Cherry Bekaert CPAs & Advisors to perform professional auditing services. Commissioner Howell seconded the motion.

By Voice Vote:

Commissioner Wojcik	"YES"
Commissioner Howell	"YES"
Commissioner Thornhill	"YES"
Commissioner Lutton	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

**Agenda Item 21. Preliminary Financial Statements for June 30, 2014**

[Begin Agenda Memo]

**SYNOPSIS**

The preliminary financial statements report revenues received and expenditures made through the end of June 30, 2014.

The unaudited financial statements for the City of Lake Wales for the Period Ending June 30, 2014 are presented to the City Commission for review. At the end of June 30, 2014, the City was 75% into the fiscal year.

**General Fund (001), page 2:**

The General Fund appears to be materially on target with revenue and expenditure expectations.

**Notice:** Due to the legal settlements in relation to the Lake Belle lawsuits, General Fund Emergency Reserves have been significantly depleted. The Finance Department is concerned about "unrestricted" cash flow needs during the last quarter of 2014. There is the possibility the City might need a line of credit during the period of September 2014 through December 2014. The City Manager's Office has a meeting scheduled with Public Risk Management for discussion of reimbursement of \$869,535.49 relating to Lake Belle settlement costs.

**Transportation Fund (102), page 7:**

The Transportation Fund appears to be materially on target with revenue and expenditure expectations.

**CRA Fund (105), page 10:**

The CRA fund appears to be materially on target with revenue and expenditure expectations.

**Library Fund (110), page 17:**

The Library Fund appears to be materially on target with revenue and expenditure expectations.

**Utility System Fund (403), page 27:**

The Utility System Fund appears to be materially on target with revenue and expenditure expectations.

**Airport Authority (404), page 29:**

The Airport Authority appears to be materially on target with revenue and expenditure expectations.

[End Agenda Memo]

Dorothy Ecklund, Finance Director, reviewed the item.

Commissioner Thornhill made a motion to accept the preliminary Financial Statements for June 30, 2014. Commissioner Wojcik seconded the motion.

By Voice Vote:

Commissioner Thornhill "YES"  
Commissioner Wojcik "YES"  
Commissioner Howell "YES"  
Commissioner Lutton "YES"  
Mayor Fultz "YES"

The motion carried 5-0.

**Agenda Item 23. Appointment – Boards, Commissions & Committees**

**SYNOPSIS**

Appointments fill vacancies due to resignations, expiration of terms, newly established boards, etc.

**RECOMMENDATION**

The Mayor makes appointments to various citizen advisory and regulatory boards, commissions, committees, and authorities with the advice and consent of the City Commission (City Charter, Sec. 3.06).

The Mayor is asked to make the appointments as deemed appropriate.

**BACKGROUND**

Vacancies exist on various Boards, Commissions, and Committees due to resignations, expirations of terms, newly established boards, etc.

**Firefighters' Retirement Board (City Code Sec. 16-163)** – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time firefighters employed by the Lake Wales Fire Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; firefighter members are selected by a majority of the firefighters who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 resident expiring terms; 2 employee firefighter expiring terms

**Current Members:** Robert Holt, 5th Seat 09/16/06 - 09/30/15, 2  
Glen Gest, resident 01/04/07 - 09/30/14, 2  
James Brown, resident 03/18/14 - 09/30/14, P  
Joe Jenkins, Fire Chief 10/01/98 - 09/30/14, 4, employee election in process  
Roy Wilkinson, III, Firefighter 12/21/09 - 09/30/14, 2, employee election in process

**Current Meetings** – Quarterly @ 4p.m.; Fire Department meeting room

**Applying for appointment:** None

**Applying for re-appointment:** Glenn Gest, resident  
James Brown, resident

**Recommendation:** The recommendation is for the Mayor to re-appoint Glenn Gest and James Brown to serve on the Firefighters' Retirement Board for a term expiring on 09/01/18, 4-yr

term, and for the City Commission to consent to the appointment made by the Mayor.

**Police Officers' Retirement Board (City Code Sec. 16-233)** – The board consists of five (5) trustees. Two (2) members must be legal residents of the City and two (2) members must be full-time police officers' employed by the Lake Wales Police Department. Resident members are appointed by the Mayor with the advice and consent of the City Commission; police officer members are elected by a majority of the police officers who are members of the plan. The fifth member is chosen by a majority of the other four members and appointed by the Mayor. (4-year term-)

- There is no interview process requirement for applicants applying for appointment to this board.
- Members are required to file an annual Form 1, Statement of Financial Interests
- Current Vacancies: 2 resident expiring terms; 2 employee police officer expiring terms

**Current Members:** Patrick Quinn, police officer, 5<sup>th</sup> Seat 01/10/12 - 09/30/15

Leon Weech, resident 04/17/12 - 09/30/14

Anthony Elrod, resident 04/01/14 - 09/30/14

Mark Stroup, police officer 12/18/12 - 09/30/14, employee election in process

William Raebig, police officer 05/05/14 - 09/30/14, employee election in process

**Current Meetings** – Quarterly @ 4p.m.; Fire Department meeting room

**Applying for appointment:** None

**Applying for appointment:** Anthony Elrod, resident

**Recommendation:** The recommendation is for the Mayor to re-appoint Anthony Elrod to serve on the Police Officers' Retirement Board for a term expiring on 09/01/18, 4-yr term, and for the City Commission to consent to the appointment made by the Mayor.

## OPTIONS

Do not appoint the applicants named above and seek other applicants; however, it may be difficult for the boards to obtain a quorum until vacancies are filled.

## FISCAL IMPACT

None. These are volunteer citizen boards.

[End Agenda Memo]

Mayor Fultz re-appointed Glenn Gest and James Brown to serve on the Firefighters' Retirement Board for 4-year terms expiring on 09/01/18 and Anthony Elrod to serve on the Police Officers' Retirement Board for a 4-year term expiring on 09/01/18.

Commissioner Lutton made a motion to approve the reappointments. Commissioner Thornhill seconded the motion.

By Voice Vote:

Commissioner Lutton	"YES"
Commissioner Thornhill	"YES"
Commissioner Wojcik	"YES"
Commissioner Howell	"YES"
Mayor Fultz	"YES"

The motion carried 5-0.

**CITY MANAGER**

**Agenda Item 24. City Commission Tracking Report:**

Kenneth Fields, City Manager, reported that the Lake Wales trail resurfacing project is underway and the Lincoln Avenue basketball court has begun and the new cemetery is moving forward..

**Agenda Item 25. City Commission Calendar**

Mr. Fields said that the first budget meeting in September is on Wednesday the 3<sup>rd</sup> and not Tuesday the 2<sup>nd</sup>.

**Agenda Item 26. Annual Reporting – Boards, Commissions, and Committees**

None.

**CITY COMMISSION COMMENTS**

Commissioner Thornhill asked about the Heartland Project as he was concerned about the zoning change done for them. Kathy Bangle, Assistant Director of Planning and Development clarified that they only changed the density of the property and not the zoning, it is residential, and that they have not had an update from Heartland in a few months.

**CITY MANAGER COMMENTS**

Mr. Fields reported on the League of Cities Conference.

**MAYOR COMMENTS**

Mayor Fultz also reported on attending the League of Cities Conference.

The meeting was adjourned at 7:56 p.m.

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Mayor/Deputy Mayor

ATTEST:

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City Clerk